

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Bryant Keith Bentley,)	Civil Action No.: 0:13-cv-2322-RBH-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Dr. Colon, <i>former Chief Dental</i>)	
<i>Officer</i> ; Mr. Smith, <i>Dental hygienist</i> ,)	
)	
Defendants.)	
)	

Plaintiff Bryant Keith Bentley (“Plaintiff”), a federal prisoner proceeding *pro se*, filed this action pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971) (“*Bivens*”) on August 27, 2013. *See* Compl., ECF No. 1. On September 11, 2014, upon request of Plaintiff, the Clerk of Court entered default against Defendants. *See* ECF Nos. 38–40. Defendant filed a motion to set aside the entry of default on September 16, 2014. *See* Def.’s Mot., ECF No. 43. Plaintiff then filed a motion for default judgment on September 30, 2014, *see* ECF No. 45, which he supplemented on October 7, 2014, *see* ECF No. 48. Defendant timely filed a response to Plaintiff’s motion on October 2, 2014, *see* ECF No. 46, and Plaintiff filed a reply in support of his motion on October 9, 2014, *see* ECF No. 49.

The matter is now before the Court for review of the Order and Report and Recommendation (“R & R”) of United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 51. In her Order, the Magistrate Judge granted Defendant’s motion to set aside the entry of default. *See* ECF No. 51 at 3. The Magistrate Judge then recommended that the Court deny Plaintiff’s motion for a default judgment. *See id.*

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is **ORDERED** that Plaintiff’s motion for a default judgment is **DENIED**.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
December 9, 2014